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EXAMINER

BADR, HAMID R

ART UNIT

PAPER NUMBER

1781

MAIL DATE

DELIVERY MODE

12/03/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

Applicants' amendment after final rejection filed 11/04/2010 is acknowledged.

Rejection of claims 10-27 under 35 U.S.C. 112 second paragraph is withdrawn per applicants amendment.

Rejection of claims 10-27 under 35 U.S.C. 103(a) is maintained. An explanation of why the amended claims are not patentable over US 6,586,025 in view of US 6,875,456 is given below together with response to arguments.

1. US '025 clearly discloses that alpha keto acids (e.g. alpha keto-glutarate) and certain amino acids e.g. phenylalanine make the precursors of cheese flavor. The direct and indirect addition of keto acids are disclosed by US '025. The role of aromatic amino acids as well as non-aromatic amino acids such as leucine is also disclosed. However, US '025 is silent regarding increasing the concentration of the amino acids which are the precursors of cheese flavors.

US '456 clearly discloses the role of carboxypeptidase CPD-1 in generating cheese flavor precursors such as phenylalanine. The CPD-1 disclosed by US '456 is a carboxypeptidase of *A. niger* which happens to be identical to the CPD-1 as presently claimed. Therefore, adding CPD-1 to the cheese at any stage of production, and allowing the reactions to take place to generate the disclosed amino acids would have been obvious to an artisan.

Response to Arguments

1. Applicants argue that the references cited do not disclose the relevance of other amino acids either in vitro or in vivo.

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a. R1 clearly discloses the role of phenylalanine, tyrosine, tryptophan, and leucine.

The instant specification is also concerned with these amino acids. The instant specification takes advantage of carboxypeptidase CPD-1 which is identical to the carboxypeptidase of *A. niger* disclosed by R2 causing the liberation of the mentioned amino acids. Therefore, arguing about other amino acids not mentioned by references is irrelevant.

Therefore, adding carboxypeptidase of *A. niger* to cheese to facilitate the aging process would have been obvious regarding the teachings of the cited references.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMID R. BADR whose telephone number is (571)270-3455. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Hamid R Badr
Examiner
Art Unit 1781

/Keith D. Hendricks/
Supervisory Patent Examiner, Art Unit 1781